

## DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR PERFORMING DIGITAL-TO-DIGITAL VIDEO INSERTION** the specification of which was filed on 10/24/00 as Application Serial No. Unassigned.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I claim no foreign priority benefits under Title 35, United States Code, Section 119.

I claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

Application No.	Date of Filing
60/161,320	October 25, 2000

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor 1	Last Name: <b>GORDON</b>	First Name: <b>DONALD</b>	Middle Name or Initial: <b>F.</b>	
Residence & Citizenship:	City: <b>Los Altos</b>	State/Foreign Country: <b>CA</b>	Country of Citizenship: <b>US</b>	
Post Office Address:	Post Office Address: <b>170 Formway Court</b>	City: <b>Los Altos</b>	State/Country: <b>CA</b>	Postal Code: <b>94022</b>
Signature & Date:	Signature of Inventor :			Date:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: **DONALD F. GORDON**  
Title: **METHOD AND APPARATUS FOR PERFORMING DIGITAL-TO-DIGITAL  
VIDEO INSERTION**

Application Serial No.: **Unassigned**  
Filing Date: **10/24/00**

I hereby declare that I am:

- [ ] the owner of the small business concern identified below:  
 [ ] an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: **DIVA Systems Corporation**  
Address of Small Business Concern: **800 Saginaw Drive, Redwood City, CA, 94063**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR §121.12, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **METHOD AND APPARATUS FOR  
PERFORMING DIGITAL-TO-DIGITAL VIDEO INSERTION** by inventor(s) **DONALD F. GORDON** described in Application Serial No. Unassigned, filed 10/24/00.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR §1.9(d), or a nonprofit organization under 37 CFR §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

Name: **DIVA Systems Corporation**  
Address: **800 Saginaw Drive, Redwood City, CA, 94063**  
 Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:	<b>Stephanie Storms</b>
Title of Person if other than Owner:	<b>Senior Vice President</b>
Address of Person Signing:	<b>800 Saginaw Drive, Redwood City, CA, 94063</b>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_